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FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			LEFLORE, LAUREL E	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,924

Applicant(s)

WONG ET AL.

Examiner

Laurel E LeFlore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,12,14,16-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,12,14,16-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph [0040], "a diagram 400 a user" should be "a diagram 400 of a user".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 12, 14, 16-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahi et al. 6,084,584 in view of Lebby et al. 6,115,618 and further in view of Failla 5,128,662 and further in view of Mayer, III et al. 6,690,337 B1.
4. In regard to claims 1 and 14, Nahi discloses a display system which comprises a visual display having a communications transceiver and a processing unit having a communications transceiver and sending display data to the transceiver of the visual display, wherein the visual display is physically separable from the processing unit while displaying information according to communications from the processing unit between the visual display transceiver and the processing unit transceiver. See figure 1 and column 3, line 61 to column 4, line 3, disclosing, "The computer system also includes a wireless data transceiver coupled to the processor that is capable of communicating the predetermined graphics and input data between the computer and portable display

tablet. The portable display tablet comprises a graphics display panel for displaying predetermined graphical data, a low power wireless data transceiver providing short range data communication of the predetermined graphics and input data between the base computer system and portable display tablet".

Further in regard to claim 1 and in regard to claim 16, Nahi further discloses a first power source for the processing unit and a second power source for the visual display. Note column 9, lines 51-52, discloses, "A block diagram of the internal electronic control system 60 for a display tablet 20 is shown in FIG. 3." Further see figure 3 and column 9, lines 28-31, disclosing, "a rear access panel 56 is provided to allow a thin set of rechargeable batteries to be mounted within the display tablet case 30...the use of small high energy density rechargeable batteries is preferred". Thus, the visual display has its own power source. The processing unit is a base computer system (see previous paragraph and element 14 of figure 1). It is inherent that a computer has a power source.

Further in regard to claim 14, Nahi discloses an information storage system. See element 66 of figure 3, depicting a main memory. It is understood that a main memory stores information.

In regard to claim 20, Nahi discloses a computing system comprising a processing unit, the processing unit including a first processor, a first transceiver coupled to the first processor, a first memory coupled to the first processor, and a first power source coupled to the first processor. See figure 1 and column 6, lines 23-26, disclosing a "host computer system 14...utilizing a modest to high performance central

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processing unit (CPU)". Further see column 6, lines 56-59, disclosing, "The host computer system 14 preferably includes...and interconnect line 16 to an external transceiver 18." Further see column 3, lines 61-63, disclosing, "The computer system also includes a wireless data transceiver coupled to the processor". See column 1, lines 32-55, disclosing various operating systems and application programs for host computer system 14. Thus, a memory and a power source are inherent.

Nahi further discloses a first display unit, the first display unit including a first display area. See column 7, lines 61-63, disclosing, "A display table 20 is preferably constructed with...a display panel 32". The first display unit further includes a second processor, a second transceiver coupled to the second processor and communicating with the first transceiver, a second memory coupled to the second processor, and a second power source coupled to the second processor. Note column 9, lines 51-52, discloses, "A block diagram of the internal electronic control system 60 for a display tablet 20 is shown in FIG. 3." See figure 3, depicting main processor bus 62, short range transceiver 88, main memory 66 and NVRam/Rom memory 68 and power controller 70. Note that short range transceiver 88, main memory 64 and NVRam/Rom Memory 68, and power controller 70 are all coupled to main processor bus 62.

Further see figure 1 and column 3, line 65 to column 4, line 3, disclosing, "The portable display tablet comprises...a low power wireless data transceiver providing short range data communication of the predetermined graphics and input data between the base computer system and portable display tablet". Thus, the transceiver of the

display unit (second transceiver) communicates with the transceiver of the host computer (first transceiver).

Nahi further discloses a second display unit, the second display unit including a second display area, a third processor, a third transceiver coupled to the third processor and configured for communications with the first transceiver, and a third power source coupled to the third processor. See figure 1, depicting display units 20a, 20b and 20c and the previous paragraph, disclosing the components of display unit 20.

Nahi further discloses that the first display unit and the second display unit may be interchangeably used. See column 4, lines 17-21, disclosing, "multiple portable display tablets can be utilized in conjunction with a single base computer system to separately and collaboratively provide access to applications executing on the base computer system."

Nahi does not disclose that the display system is interchangeably attached to and detached from a handheld computing device (processing unit). Although the display tablet is handheld, the processing unit is a host computer, and is thus not handheld. See column 21, lines 21-22, disclosing, "while the host computer system...has been described as stationery, the host computer system can, indeed, be mobile".

Lebby discloses a display system in which a processing unit communicates with a detachable visual display wirelessly. Lebby further discloses that the display system is for a portable electronic device. Lebby teaches in column 1, line 63 to column 2, line 7, "It is a further purpose of the present invention to provide for a new and a portable

electronic device with a removable display for use in small handheld devices, which enables a virtual image display and thus data contained within the product to be accessed and thus viewable by the user. It is a further purpose of the present invention to provide...remote viewing of the display from the portable electronic device utilizing a wireless connection with the portable electronic device."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nahi by having the display system be interchangeably attached to and detached from a handheld computing device, as in the invention of Lebby. One would have been motivated to make such a change based on the teaching of Lebby to provide for a new and a portable electronic device with a removable display for use in small handheld devices, thus allowing remote viewing of the display from the portable electronic device utilizing a wireless connection with the portable electronic device.

Further in regard to claims 1, 14 and 20, Nahi in view of Lebby does not disclose that the visual display includes display screen that is flexible or expandable. In regard to claim 20, note that the figures of Nahi depict all of the displays as non-flexible. Nahi does not disclose that the second display unit is at least one of a flexible display unit and a foldable display unit.

Failla discloses a display system that is expandable. See column 1, lines 10-22, disclosing, "Specifically, it relates to display screens which are formed of a number of segments which may be when in use so arranged as to provide a substantial area for visual information display, yet which may be when not in use rearranged in compact

relation for storage and travel. In this way, for example, a display screen can be provided which has a usable display area considerably greater than that which the length and width of the portable device itself would ordinarily provide, yet which when said segments are collapsed into compact relation can be stored for traveling within a volume consistent with the dimensions of such device.”

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of Nahi in view of Lebby with the invention of Failla by having the display of Nahi in view of Lebby expand from an initial or storage state to present a larger visual display size, as in the invention of Failla. One would have been motivated to make such a change based on the teaching of Failla that such a “display screen can be provided which has a usable display area considerably greater than that which the length and width of the portable device itself would ordinarily provide”.

Nahi in view of Lebby further in view of Failla does not disclose that the display system includes display drivers capable of updating screen resolution and screen display size based upon the current expansion of the display screen.

Mayer discloses an invention in which a display system includes display drivers capable of updating screen resolution and screen display size based upon the current expansion of the display screen. This is depicted in figures 9A and 9B, for example. Further see column 2, lines 40-42, disclosing, “Another embodiment of the present invention is a method of displaying a high resolution image using a plurality of display panels”.

Mayer further teaches in column 1, lines 29-39, "A larger viewable area, i.e., larger screen real estate, and higher resolution, i.e., more pixels, is typically very useful for laying out and viewing a larger portion of video or graphic images at the same time. Therefore, it is often desirable to display video or graphic images on a viewable area that is bigger than what is typically available on a single monitor. Arrayed display systems have been used to create a viewable area that is taller or wider than what is normally available on a single monitor. A typical arrayed display system includes three or more video display devices that are adjacent to one another."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nahi in view of Lebby further in view of Failla by having the display system includes display drivers capable of updating screen resolution and screen display size based upon the current expansion of the display screen, as in the invention of Mayer. One would have been motivated to make such a change based on the teaching of Mayer that "A larger viewable area, i.e., larger screen real estate, and higher resolution, i.e., more pixels, is typically very useful for laying out and viewing a larger portion of video or graphic images at the same time. Therefore, it is often desirable to display video or graphic images on a viewable area that is bigger than what is typically available on a single monitor."

5. In regard to claims 2 and 18, Nahi further discloses that the visual display includes random access memory (RAM) and a processing unit (CPU). Note in the rejection of claim 1 that figure 3 is a block diagram of the internal electronic control system 60 for a display tablet 20. See figure 3, element 68, depicting RAM and element

62, depicting a main processor bus. Further see column 9, lines 63-65, disclosing, "The main memory 66 is preferably constructed utilizing...RAM memory." Note main memory 66 in figure 3.

6. In regard to claim 3, Nahi discloses that the visual display CPU receives information over a wireless connection from the handheld computing device and stores the information in the visual display RAM. See rejections of claims 1 and 2. Further see figure 3 and column 10, lines 19-23, disclosing, "The non-volatile RAM/ROM memory 68 preferably stores at least a portion of the control program sufficient to enable the microcontroller 64 to download the remaining portions or full new image of a control program from the host computer 14."

7. In regard to claim 4, Nahi discloses that the information communicated from the processing unit to the visual display includes information necessary to display the current display image and information related to the current display image. See rejection of claim 3, disclosing that the information is a control program. Further see column 10, lines 5-7, disclosing "a control program implementing primarily the display function of the tablet 20". It is understood that the display function includes displaying the current image. Also, information necessary to display the current image is information related to the current display image.

8. In regard to claim 5, Nahi discloses that the information communicated from the processing unit to the visual display is web pages that have links in the current display. See rejections of claims 1-4. See column 12, line 59 to column 13, line 8, disclosing the transfer of data from the host computer 14 to a portable display tablet 20. See line 59 of

column 12, disclosing, “a Web browser application is a preferred example”. Data from a web browser inherently includes web pages with links. Further see the description of the related art, which discloses that the present invention is designed for web and internet applications.

9. In regard to claims 6 and 7, see rejection of claim 5. Data in a web browser application inherently includes contents of drop down menus and images associated with thumbnail images.

10. In regard to claim 8, Nahi discloses that the visual display includes a display screen having input capabilities. See element 78 of figure 3, depicting a touch screen. (Note in the rejection of claim 1 that figure 3 is a block diagram of the internal electronic control system 60 for a display tablet 20.) Further see column 10, line 66 to column 11, line 1, disclosing “a touch screen interface 78 may be provided to support a touch screen function in connection with the display panel 32.”

11. In regard to claim 12, Nahi discloses that the communications transceivers send and receive information using a custom wireless communication protocol. See column 5, lines 8-11, disclosing, “the tablet qualifies as a wireless communications product that does not require an operating license or the utilization of any non-local communications infrastructure”. This is a custom wireless communication protocol, as best understood.

12. In regard to claim 17, Nahi discloses an invention similar to that which is disclosed in claim 17. See rejection of claim 16 for similarities. Nahi does not disclose that the second power source is lighter in weight than the first power source. However, there is no disclosed criticality of having the display power source be lighter than the

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power source associated with powering the processor, and it would be a matter of choice as to whether the display or processor has a power source that is lighter in weight.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the power source associated with the display unit be lighter in weight than the power source associated with the processor, as the component held by the user when viewing information would then be lighter.

13. In regard to claim 19, Nahi discloses an invention similar to that which is disclosed in claim 19. See rejections of claims 3, 4, 14 and 18 for similarities. While Nahi discloses that the transceiver transmits information related to current display screen information to the display system to store in the display system RAM, Nahi does not disclose that this occurs while the current display screen information is being viewed. However, in line 35 of column 9, Nahi discloses a "refresh frequency" of the display. Further, viewing information on a display while transmitting information to a display is conventional and inherently implied when disclosing a refresh frequency. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nahi by having the transceiver transmit information related to current display screen information to the display system to store in the display system RAM while the current display screen information is being viewed.

14. In regard to claim 22, Nahi discloses an invention similar to that which is disclosed in claim 22. See rejection of claim 20 for similarities. Nahi does not disclose that the second power source is lighter in weight than the third power source. However,

there is no disclosed criticality of having the second power source be lighter than the third power source, and it would be a matter of choice as to whether the display or processor has a power source that is lighter in weight. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the second power source be lighter in weight than the third power source.

15. In regard to claim 23, Nahi discloses that the first display unit is a ruggedized display unit. See column 7, lines 61-63, disclosing, "A display tablet 20 is preferably constructed with a plastic case 30 housing display panel 32". Further see column 8, lines 3-5, disclosing, "the display panel 32 is...reasonably sturdy when and as mounted within the case 30". Thus, display tablet 20 is a ruggedized display unit, as best understood, due to plastic case 30.

16. In regard to claim 24, Nahi discloses an invention similar to that which is claimed in claim 24. See rejection of claim 20 for similarities. Further see column 7, line 64 to column 8, line 3, disclosing, "The display panel 32 is preferably an active matrix liquid crystal display (LCD) or dual-scan super-twist nematic display suitable for rendering color images at a resolution of about 640.times.480 pixels or greater. Low cost display panels 32 with reduced resolutions and only monochrome display capabilities can also be utilized."

Nahi does not disclose that the first display area is a high resolution display and the second display area is a lower resolution display area. However, Nahi discloses in column 4, lines 17-21, "multiple portable display tablets can be utilized in conjunction

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with a single base computer system to separately and collaboratively provide access to applications executing on the base computer system."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nahi by having the first display area be a high resolution display and the second display area be a lower resolution display area. One would have been motivated to make such a change based on the teaching of Nahi that the multiple portable display tablets can be utilized separately and collaboratively and that display panels 32 with reduced resolutions can be used.

Double Patenting

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

18. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10 and 13 of copending Application No. 10/085945 in view of Nahi et al. 6,084,584 further in view of Mayer, III et al. 6,690,337 B1.

19. In regard to claim 1, claims 1 and 10 of the copending application discloses an invention similar to that of claim 1 of the immediate application, though of slightly different scope. Claims 1, 2, 10 and 13 of the copending application do not disclose a first power source for the processing unit.

Nahi discloses an invention in which the processing unit has a first power source. See figure 1 and column 6, lines 23-26, disclosing a "host computer system 14...utilizing a modest to high performance central processing unit (CPU)". The processing unit is a base computer system (see previous paragraph and element 14 of figure 1). It is inherent that a computer has a power source.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 1 of the copending application by having the computing device have a first power source, as in the invention of Nahi. Thus, the second power source of the immediate application is the visual display power source disclosed in claim 10 of the copending application. One would have been motivated to make such a change based on the teaching of Nahi's invention, which includes power sources for both the processing unit and the display.

Claims 1, 2, 10 and 13 of the copending application do not disclose that the display system includes display driver capable of updating screen resolution and screen display size based upon the current expansion of the display screen.

Mayer discloses an invention in which a display system includes display drivers capable of updating screen resolution and screen display size based upon the current expansion of the display screen. This is depicted in figures 9A and 9B, for example.

Further see column 2, lines 40-42, disclosing, "Another embodiment of the present invention is a method of displaying a high resolution image using a plurality of display panels".

Mayer further teaches in column 1, lines 29-39, "A larger viewable area, i.e., larger screen real estate, and higher resolution, i.e., more pixels, is typically very useful for laying out and viewing a larger portion of video or graphic images at the same time. Therefore, it is often desirable to display video or graphic images on a viewable area that is bigger than what is typically available on a single monitor. Arrayed display systems have been used to create a viewable area that is taller or wider than what is normally available on a single monitor. A typical arrayed display system includes three or more video display devices that are adjacent to one another."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of copending application 10/085,945 in view of Nahi by having the display system includes display drivers capable of updating screen resolution and screen display size based upon the current expansion of the display screen, as in the invention of Mayer. One would have been motivated to make such a change based on the teaching of Mayer that "A larger viewable area, i.e., larger screen real estate, and higher resolution, i.e., more pixels, is typically very useful for laying out and viewing a larger portion of video or graphic images at the same time. Therefore, it is often desirable to display video or graphic images on a viewable area that is bigger than what is typically available on a single monitor."

This is a provisional obviousness-type double patenting rejection.

20. Claims 2 and 3 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of copending Application No. 10085945 in view of Nahi et al. 6,084,584 further in view of Mayer, III et al. 6,690,337 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 11 of the copending application discloses all elements of claims 2 and 3 of the immediate application. It is understood that if data can be stored and retrieved from the memory, then the memory is random access memory.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11 and 12 of copending Application No. 10085945 in view of Nahi et al. 6,084,584 further in view of Mayer, III et al. 6,690,337 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 12 of the copending application discloses all elements of claim 8 of the immediate application. It is understood that a user operated navigation apparatus is input capability.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of copending Application No. 10/085945 in view of Nahi et al. 6,084,584 further in view of Mayer, III et

al. 6,690,337 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 13 of the copending application discloses all elements of claim 12 of the immediate application, as best understood.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

23. Claim 14 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 10, 11 and 13 of copending Application No. 10/085945. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 2, 10, 11 and 13 of the copending application disclose all elements of claim 14 of the immediate application, as best understood.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

24. Claim 16 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10 and 13 of copending Application No. 10/085945 in view of Nahi et al. 6,084,584.

In regard to claim 1, claims 1, 10 and 13 of the copending application disclose an invention similar to that of claim 16 of the immediate application. Claims 1, 10 and 13 of the copending application do not display a first power source for the processing unit.

Nahi discloses an invention in which the processing unit has a first power source. See figure 1 and column 6, lines 23-26, disclosing a "host computer system

14...utilizing a modest to high performance central processing unit (CPU)". The processing unit is a base computer system (see previous paragraph and element 14 of figure 1). It is inherent that a computer has a power source.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify claim 1 of the copending application by having the computing device have a first power source, as in the invention of Nahi. Thus, the second power source of the immediate application is the visual display power source disclosed in claim 10 of the copending application. One would have been motivated to make such a change based on the teaching of Nahi's invention, which includes power sources for both the processing unit and the display.

This is a provisional obviousness-type double patenting rejection.

25. Claim 18 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of copending Application No. 10/085945. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 11 of the copending application discloses all elements of claim 18 of the immediate application. It is understood that if data can be stored and retrieved from the memory, then the memory is random access memory.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

26. The specification has not been amended to overcome the previous objections of the paper dated 16 August 2004. Please note that the corrections of the specification in the paper dated 2 July 2004 recite "a diagram 400 a user". This should be "a diagram of a user".

27. Applicant's arguments filed 15 November 2004 have been fully considered but they are not persuasive.

28. It is noted that applicant has provided a declaration under 37 CFR 1.131 which establishes that subject matter in the immediate application was conceived prior to the filing date of the Branson reference. Thus, new references have been used and rejections based on the Branson reference are no longer present. Thus, applicant's arguments regarding the Branson reference are moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEL

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18 January 2005


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600